

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

ADOLFO YBARRA, JR.	§	
VS.	§	CIVIL ACTION NO. 9:21-CV-18
DAVID D. DICKERSON, ET AL.	§	

MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Adolfo Ybarra, Jr., a prisoner confined at the Polunksy Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against David D. Dickerson, Justin Trimble, Jeanette Harden, Nita Neyland, Billy H. Jackson, and Kelly Strong.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends granting Defendant Jeanette Harden's motion to dismiss the claims against her for failure to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record and the pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (document no. 50) is ADOPTED. Defendant Harden's motion

to dismiss (document no. 32) is GRANTED, and Defendant Jeanette Harden is DISMISSED from this action.

**SIGNED** this the 12 day of **September, 2022**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield  
United States District Judge